



The Confederated Tribes of the Colville Reservation

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OFFICE OF ENVIRONMENTAL TRUST

February 3, 2012

Dennis McLerran
Regional Administrator
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle WA 98101-3140

Re: Proposed State of Idaho Fish Consumption Rate

Dear Mr. McLerran:

The Confederated Tribes of the Colville Reservation are responsible for the management of the 1.4 million acre Colville Indian Reservation plus various tracts of Indian owned land in north central Washington State. The Tribes exercise fishing rights on approximately 1.5 million additional acres. The Columbia River (Lake Roosevelt) forms the eastern and southern boundary of the reservation. This reach of the Columbia River receives all of the flow from the Pend Oreille and Spokane Rivers, both of which originate in the State of Idaho. The Tribes has over the last three decades put millions of dollars and tens of thousands of hours into developing and improving a subsistence fishery in this dam-blocked reach of the Columbia River. In more recent years the Tribes has invested heavily in the Teck lawsuit and initiated and participated in other efforts to clean up and improve this reach of the river, such as the Upper Columbia RI/FS and Natural Resource Damage Assessment process.

The Colville Indian Reservation is the only one that has federal water quality standards in 40CFR131. As such we currently recognize the EPA recommended subsistence fish consumption rate of 142.4 grams per day. The State of Washington has recently evaluated fish consumption throughout the state and has determined that a rate between 157 and 267 grams per day would be required to protect state residents (Dept. of Ecology Publication No. 11-09-050). Simply put, EPA approval of Idaho's proposed 17.5 grams per day rate could cause material damage to tribal health and resources. Additionally, the idea of recommending a higher consumption rate for anadromous fish than resident fish makes no scientific sense. If anything, resident fish are even more susceptible to the build up of toxic materials in their tissues than are salmonids, which tend to spend less time in contaminated waters.

We appreciate the opportunity to meet and discuss this vital issue.

Sincerely,

Gary W. Passmore, Director

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